

**AMENDMENTS TO THE CLAIMS:**

**This listing of claims will replace all prior versions and listings of claims in the application:**

**LISTING OF CLAIMS:**

Claims 1-9 (canceled).

10. (previously presented): A method for detecting and treating a malignant tumor, which method comprises;

administering a tumor detecting effective amount, to a host in need of detection of a malignant tumor, of 5-aminolevulinic acid or a derivative thereof in which at least one carbon atom of said 5-aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and where said derivative is an ester, amide, salt, hydrate or solvate of said 5-aminolevulinic acid;

detecting the malignant tumor using NMR; and

administering an effective amount of said 5-aminolevulinic acid or derivative thereof, in which at least one carbon atom of said 5-aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and where said derivative is an ester, amide, salt, hydrate or solvate of said 5-aminolevulinic acid, to kill said malignant tumor.

11. (previously presented): The method of claim 10 wherein said 5-aminolevulinic acid or derivative thereof is used in combination with a diagnostically acceptable carrier.

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12. (previously presented): A method for detecting and treating a malignant tumor, which method comprises;

administering a tumor detecting effective amount, to a host in need of detection of a malignant tumor, of a 5-aminolevulinic acid or a derivative thereof in which at least one carbon atom of said 5-aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and where said derivative is an ester, amide, salt, hydrate or solvate of said 5-aminolevulinic acid to thereby accumulate the carbon isotope and/or the nitrogen isotope in the malignant tumor;

detecting the carbon and/or the nitrogen isotope using NMR to thereby identify the position of the malignant tumor; and

administering an effective amount of said 5-aminolevulinic acid or a derivative thereof, in which at least one carbon atom of said 5-aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and where said derivative is an ester, amide, salt, hydrate or solvate of said 5-aminolevulinic acid, to kill said malignant tumor.

13. (previously presented): The method of claim 12, wherein the malignant tumor is detected and treated in a living host.

14. (previously presented): The method of claim 10, wherein the killing of said malignant tumor is by a photokinetic method.

15. (previously presented): The method of claim 12, wherein the killing of said malignant tumor is by a photokinetic method.

Claim 16. (canceled).

Claim 17. (canceled).

18. (previously presented): The method of claim 10, wherein the carbon isotope is used and it is the  $^{13}\text{C}$  or  $^{14}\text{C}$  isotope.

19. (previously presented): The method of claim 18, wherein the carbon isotope is used and it is the  $^{13}\text{C}$  isotope and the NMR is  $^{13}\text{C}$ -NMR.

20. (previously presented): The method of claim 12, wherein the carbon isotope is used and it is the  $^{13}\text{C}$  or  $^{14}\text{C}$  isotope.

21. (previously presented): The method of claim 20, wherein the carbon isotope is used and it is the  $^{13}\text{C}$  isotope and the NMR is  $^{13}\text{C}$ -NMR.

22. (currently amended): The method of claim 10, wherein the nitrogen isotope is used and it is the  $^{13}\text{N}$  or  $^{15}\text{N}$  isotope.

23. (previously presented): The method of claim 22, wherein the nitrogen isotope is the  $^{15}\text{N}$  isotope and the NMR is  $^{15}\text{N}$ -NMR.

24. (currently amended): The method of claim 12, wherein the nitrogen isotope is used and it is the  $^{13}\text{N}$  or  $^{15}\text{N}$  isotope.

25. (previously presented): The method of claim 24, wherein the nitrogen isotope is the  $^{15}\text{N}$  isotope and the NMR is  $^{15}\text{N}$ -NMR.

Claim 26. (canceled).

Claim 27. (canceled).

28. (previously presented): The method of claim 10, wherein said derivative is used and said derivative is the ester.

29. (previously presented): The method of claim 12, wherein said derivative is used and said derivative is the ester.

30. (previously presented): The method of claim 10, wherein said derivative is used and said derivative is the amide.

31. (previously presented): The method of claim 12, wherein said derivative is used and said derivative is the amide.

32. (previously presented): The method of claim 10, wherein said derivative is used and said derivative is the salt.

33. (previously presented): The method of claim 12, wherein said derivative is used and said derivative is the salt.

34. (previously presented): The method of claim 10, wherein said derivative is used and said derivative is the hydrate.

35. (previously presented): The method of claim 12, wherein said derivative is used and said derivative is the hydrate.

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36. (previously presented): The method of claim 10, wherein said derivative is used and said derivative is the solvate.

37. (previously presented): The method of claim 12, wherein said derivative is used and said derivative is the solvate.

38. (previously presented): The method of claim 10, wherein the detecting and treating are conducted using a total dose of from 10 mg to 10 g per kg body weight.

39. (previously presented): The method of claim 12, wherein the detecting and treating are conducted using a total dose of from 10 mg to 10 g per kg body weight.

40. (previously presented): The method of claim 10, wherein the detecting and treating are performed with the same 5-aminolevulinic acid or a derivative thereof in which at least one carbon atom of said 5-aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and wherein said derivative is an ester, amide, salt, hydrate or solvate of said 5-aminolevulinic acid.

41. (previously presented): The method of claim 12, wherein the detecting and treating are performed with the same 5-aminolevulinic acid or a derivative thereof in which at least one carbon atom of said 5-aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and wherein said derivative is an ester, amide, salt, hydrate or solvate of said 5-aminolevulinic acid.

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42. (previously presented): The method of claim 10, wherein said malignant tumor exists in a deep region of tissue.

43. (previously presented): The method of claim 12, wherein said malignant tumor exists in a deep region of tissue.

Claim 44. (canceled).

Claim 45. (canceled).

46. (previously presented): The method of claim 10, wherein the malignant tumor is detected and treated in a living host.